

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4510 OF 2006

Smt. Kalpana Ashok Raut ..Petitioner

Vs.

1. The Collector of Raigad and ors. ..Respondents

Mr. S.G. Aney, Senior Counsel with Mr. S.D. Patil
for petitioner.

Mr. Girish Kulkarni with Mrs. Swati Deshpande and
Mr. Rushvi Shah i/by M.S. Bodhanwalla and Co. for
respondent no.3.

Mr. G.C. Mishra for respondent no.5.

CORAM: B.H. MARLAPALLE & J. H. BHATIA, JJ.

Date : November 23, 2006.

P.C.:

1. Heard Mr. Aney the learned Senior Counsel with Mr. S.D. Patil for the petitioner who claims for directions against respondent no.3 for appointment of her son as a project affected person. We have perused the affidavit in reply filed by the District Rehabilitation Officer on behalf of respondent nos.1, 2 and 4 and the affidavit in reply filed by the Deputy General Manager (P and A) of respondent no.3.

2. The State's affidavit states that the original land owner whose land came to be acquired for

respondent no.3. was Shri Govind Keshav Mhatre who left behind as his LRs four sons, namely, Sudhakar, Kamlakar, Madhukar and Dattatray. The present petitioner is the daughter of the third son Madhukar who died on 8/7/1967. The affidavit in reply filed by respondent no.3 states that three persons have been appointed from the Mhatre family and remaining persons have been appointed at the recommendations of the Mhatre family members as their close relations. The three members who are already appointed are Manohar Madhukar Mhatre (the present petitioner's brother), Kamlakar Govind Mhatre and Prakash Sudhakar Mhatre (both cousins of the petitioner). It has been further pointed out that Shri R.J. Pilankar came to be appointed at the request of the present petitioner's mother and he is the petitioner's cousin from the mother side.

3. Mr. Aney the learned Senior Counsel submitted that the inquiry that has been ordered by this court in Writ Petition No.3682 of 2005 has a relevance to await its findings so as to consider the petitioner's claim. In the said petition the inquiry is limited to

the identification of 385 persons appointed as project affected or from the 615 the identification of such project affected persons. The said inquiry would not assist the petitioner's cause, as admittedly three members from the family of Shri Govind Keshav Mhatre have already been appointed and in the peculiar circumstances of this case the petitioner cannot claim to be a project affected person with reference to the land acquired from the ownership of her grand father Shri Govind Keshav Mhatre and for the employment of her son under respondent no.3.

4. The petition, therefore, fails at the threshold and the same is hereby rejected. We are informed by Mr. Aney the learned Senior Counsel that in response to an advertisement recently released by respondent no.3, the petitioner's son has submitted an application and he is qualified for the said post against OBC. This order rejecting the petition will not come in the way of the petitioner's son for being considered on merit for the said post along with others.

(J.H. Bhatia, J.)

(B.H. Marlapalle, J.)